

ROGER JAMES,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-08-276-SPS

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$5,694.50 under the Equal Access to Justice Act, 28 U.S.C. § 2412 and costs in the amount of \$16.47. *See* Plaintiff's Application for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 23]. The Commissioner indicates that he has no objection to an award of \$5,694.50 in attorneys' fees and \$16.47 in costs to the Plaintiff.

-1-

incurred by that party in any civil action [.]”). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, ___ U.S. ___, 77 USLW 3020 (2008).

Accordingly, Plaintiff’s Application for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412 [Docket No. 23] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys’ fees in the amount of \$5,694.50 and \$16.47 in costs to the Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 21st day of October, 2009.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE